

## **REMARKS**

In response to the Office Action mailed on 29th July, 2004, Applicant wishes to enter the following remarks for the Examiner's consideration.

Applicant has amended claims 1, 15, 31, 33, 47, 48, 62 and 66. Applicant has cancelled claim 14 without prejudice. Applicant has added new claim 67.

Claims 1-13, 15-67 are pending in the application.

### **Rejection of claims under 35 USC §102**

Claims 1-7, 9, 12, 17-23 and 25-27 have been rejected under 35 USC §102(a) as being anticipated by Zhang (US Patent Application No. US 2001/0049263). Applicant respectfully traverses this rejection of the claims.

Claim 1 has been amended to include all of the limitations of claim 14. The examiner has indicated that 14 would be allowable if rewritten in independent form including the limitations of base claim 1. Applicant submits that the basis rejection of claim 1 has been overcome and requests that a Notice of Allowance for claim 1 be mailed at the Examiner's earliest convenience.

Claims 2 -7, 12, 17-23 and 25-27 depend from claim 1. Accordingly, Applicant submits that the basis rejection of these claims has been overcome and requests that a Notice of Allowance for these claims be mailed at the Examiner's earliest convenience.

In light of the foregoing amendment and remarks, Applicant respectfully submits that the Zhang reference does not teach, suggest, disclose or otherwise anticipate the recitations of claims 1-7, 12, 17-23 and 25-27.

Applicant thus respectfully requests that this basis of rejection of the claims be

withdrawn and that a Notice of Allowance for these claims be mailed at the Examiner's earliest convenience.

**Rejection of claims under 35 USC §103(a)**

Claim 11 has been rejected under 35 USC §103(a) as being anticipated by Zhang (US Patent Application No. US 2001/0049263) in view of O'Riordain (US Patent No. 6,434,364). Applicant respectfully traverses this rejection of the claim.

Claim 11 depends from base claim 1. Base claim 1 has been amended to include all of the limitations of claim 14. The examiner has indicated that 14 would be allowable if rewritten in independent form including the limitations of base claim 1. Since claim 11 depends from an allowable claim, Applicant submits that the rejection of claim 11 has been overcome and requests that the basis of rejection of claim 11 be withdrawn and a Notice of Allowance for claim 11 be mailed at the Examiner's earliest convenience.

Claim 13 has been rejected under 35 USC §103(a) as being anticipated by Zhang (US Patent Application No. US 2001/0049263) in view of known prior art. Applicant respectfully traverses this rejection of the claims.

Claim 13 depends from base claim 1. Base claim 1 has been amended to include all of the limitations of claim 14. The examiner has indicated that 14 would be allowable if rewritten in independent form including the limitations of base claim 1. Since claim 13 depends from an allowable claim, Applicant submits that the rejection of claim 13 has been overcome and

requests that the basis of rejection of claim 13 be withdrawn and a Notice of Allowance for claim 13 be mailed at the Examiner's earliest convenience.

Claims 1, 7, 8, 16, 24, 27-42 and 49-65 have been rejected under 35 USC §103(a) as being anticipated by Zhang (US Patent Application No. US 2001/0049263) in view of Osborne (US Patent No. 6,088,588). Applicant respectfully traverses this rejection of the claims.

Claim 1 has been amended to include all of the limitations of claim 14. The examiner has indicated that 14 would be allowable if rewritten in independent form including the limitations of base claim 1. Since claims 7, 8, 16-24, 27-30 and 32 depend from allowable claim 1, Applicant submits that the basis rejection of these claims has been overcome and requests that a Notice of Allowance for these claims be mailed at the Examiner's earliest convenience.

Claim 31 has been rewritten in independent form, and has been further amended to specify that the collection communication device is a collection communication terminal. The use of a collection device is described in the specification on page 8, line 15 to page 9, line 16, for example. The use of a collection device "reduces the number of direct communications occurring across the communication link to the network server". Hence it is clear that the collection device is a network terminal rather than a network server or a base station. Further, page 5, lines 22-26 of the specification states: "Examples of communication devices include, but are not limited to, wireless communication devices such as a handsets or cellular telephones, telematics devices or modules (such GM's OnStar System), personal computers (PCs),

consumer appliances such as set-top boxes, and personal digital assistants (PDAs)." All of these exemplary devices are terminals, not base stations or servers. Applicant submits that the basis rejection of claim 31 has been overcome and requests that a Notice of Allowance for claim 31 be mailed at the Examiner's earliest convenience.

Claim 33 has been amended to include all of the limitations of claim 47. The examiner has indicated that 47 would be allowable if rewritten in independent form including the limitations of base claim 1. However, claim 33 has been further amended to remove the elements of:

"the communication network aggregating the user interaction data received from one or more communication devices of the plurality of communication devices to generate statistical information about the communication network; and

the communication network analyzing the statistic information to identify one or more network performance problems of the communication network".

The Zhang and Osborne references, whether considered separately or together, do not teach or otherwise suggest "a communication device of the plurality of communication devices is operated in a quasi-interactive mode of operation during which the user of the communication device can decide when to report to the network operator one or more network performance problems identified in the user interaction data".

Operation in a quasi-interactive mode is described in the specification from page 15, line 24 to page 17, line 3.

Since claims 34-42, 49-61 and 63-65 depend from allowable claim 33, Applicant submits that the basis rejection of these claims has been overcome and requests that a Notice of Allowance for these claims be mailed at the Examiner's earliest convenience.

Claim 62 has been rejected under 35 USC §103(a) as being anticipated by Zhang (US Patent Application No. US 2001/0049263) in view of Osborne (US Patent No. 6,088,588). Applicant respectfully traverses this rejection of the claims.

Claim 62 has been rewritten in independent form, and has been further amended to specify that the collection communication device is a collection communication terminal. The use of a collection device is described in the specification on page8, line 15 to page 9, line 16, for example. The use of a collection device "reduces the number of direct communications occurring across the communication link to the network server". Hence it is clear that the collection device is a network terminal rather than a network server or a base station. Further, page 5, lines 22-26 of the specification states: "Examples of communication devices include, but are not limited to, wireless communication devices such as a handsets or cellular telephones, telematics devices or modules (such GM's OnStar System), personal computers (PCs), consumer appliances such as set-top boxes, and personal digital assistants (PDAs)." All of these exemplary devices are network terminals, not base stations or servers.

Applicant submits that the basis of rejection of claim 62 has been overcome and requests that a Notice of Allowance for claim 62 be mailed at the Examiner's earliest convenience.

Claim 44 has been rejected under 35 USC §103(a) as being anticipated by Osborne (US Patent No. 6,088,588) in view of Zhang (US Patent Application No. US 2001/0049263) and further in view of O'Riordain (US Patent No. 6,434,364). Applicant respectfully traverses this rejection of the claims.

Claim 44 depends from claim 33. Claim 33 has been amended as described above to include the limitation that a communication device is operated in a quasi-interaction mode. The Zhang reference and the O'Riordain reference whether consider separately or together fail to teach or otherwise suggest this limitation of the claim.

Applicant submits that the basis rejection of claim 44 has been overcome and requests that a Notice of Allowance for claim 44 be mailed at the Examiner's earliest convenience.

Claim 46 has been rejected under 35 USC §103(a) as being anticipated by Osborne (US Patent No. 6,088,588) in view of Zhang (US Patent Application No. US 2001/0049263) and further in view of known prior art.

Claim 46 depends from claim 33. Claim 33 has been amended as described above to include the limitation that a communication device is operated in a quasi-interaction mode. The Zhang reference and the Osborne reference whether consider separately or together fail to teach or otherwise suggest this limitation of the claim.

Applicant submits that the basis rejection of claim 46 has been overcome and requests that a Notice of Allowance for claim 46 be mailed at the Examiner's earliest convenience.

In light of the foregoing amendments and explanations, applicant submits that all rejections of claims 1-8, 11-13, 16-42, 44-46 and 49-65 have been overcome. Allowance of claims 1-8, 11-13, 16-42, 44-46 and 49-65 is therefore respectfully requested at the Examiner's earliest convenience. Although additional arguments could be made for the patentability of each of the claims, such arguments are believed unnecessary in view of the above discussion. The undersigned wishes to make it clear that not making such arguments at this time should not be construed as a concession or admission to any statement in the Office Action.

### **Allowable Subject Matter**

Claims 10, 14, 15, 43, 47, 48 and 66 have been objected to as being dependent upon a rejected base claim, but would be allowable if written in independent form.

Applicant submits that claim 1, which contains all of the limitations of claim 14 and its base claim, is now allowable, so claim 10 and 15 are now in a form for allowance. Applicant requests that a Notice of Allowance for these claims be mailed at the Examiner's earliest convenience. Claim 14 has been cancelled.

Applicant further submits that Claim 33, from which claims 43 and 48 depend, is now allowable, and accordingly claims 43 and 48 are now in a form

for allowance. Applicant requests that a Notice of Allowance for these claims be mailed at the Examiner's earliest convenience.

Claim 47 has been amended to include the limitations removed from claim 33. The original limitation of claim 47 is now in amended claim 33. Hence, the scope of claim 47 is unchanged. However, since claim 33 is now believed to be allowable, Applicant submits that claim 47 is now in a form for allowance and requests that a Notice of Allowance for claim 47 be mailed at the Examiner's earliest convenience.

Claim 66 has been amended to include some of the limitations of base claims 33. The examiner has indicated that 47 would be allowable if rewritten in independent form including all of the limitations of base claim 33.

The Zhang and Osborne references, whether consider separately or together, do not teach or otherwise suggest "a communication device of the plurality of communication devices is operated in a quasi-interactive mode of operation during which the user of the communication device can decide when to report to the network operator one or more network performance problems identified in the user interaction data".

Operation in a quasi-interactive mode is described in the specification from page 15, line 24 to page 17, line 3.

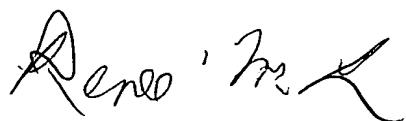
### **New Claim**

New claim 67 has been added. The claim is supported by the specification on page 10, lines 18-20 discloses that: "Location-based information may be provided internally to the communication device such as internally-generated GPS or it may be a network-provided service available upon demand."

Further, on page 11 lines 19-28 of the specification, it is disclosed that the user interaction data may include location measurements.

Please contact the undersigned if you have any questions regarding this application.

Respectfully submitted,



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